

REMARKS

Upon entry of the present amendment, claims 1 and 10-12 will have been amended and claim 13 will have been submitted for consideration by the Examiner. In view of the herein contained remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections together with an indication of the allowability of all the claims pending in the present application, in due course.

Initially, Applicants wish to thank the Examiner for indicating the approval of the drawings submitted in the present application on July 2, 2001, concurrently with the filing of the present application.

Applicants further wish to thank the Examiner for acknowledging their Claim for Foreign Priority under 35 U.S.C. § 119 and for confirming receipt of the certified copies of the priority documents in support of such claim for foreign priority.

Finally, Applicants wish to thank the Examiner for reviewing the Information Disclosure Statements filed in the present application and for considering the references cited therein, as evidenced by the signing and initialing of the PTO-1449 Forms attached to these Information Disclosure Statements.

In the outstanding Official Action, the Examiner rejected claims 1, 2, 4-10 and 12 under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 6,419,549. Claim 11 was further provisionally rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-4 of copending Application No.

09/899,035. In each case, the Examiner asserted that although the conflicting claims are not identical, the claims are not patentably distinct from each other.

The Examiner objected to claim 3 as dependent upon a rejected base claim but indicated that the same would be allowable if rewritten into independent form including all the limitations of the base claim and any intervening claims.

The Examiner included a Statement of Reasons for Allowance with respect to claim 3. Applicants note the Examiner's Statement of Reasons for Allowance and do not disagree with the features noted therein. However, Applicants further wish to note that each of the claims in the present application recites a particular combination of features and that the patentability of each claim is also based upon the totality of the features recited therein. Accordingly, the reasons for allowance should not necessarily be limited to those features enumerated by the Examiner.

Turning to the Examiner's obviousness type double patenting and provisional obviousness type double patenting rejections, Applicants respectfully traverse the same. Applicants submit that, as admitted by the Examiner, the conflicting claims are not identical. Additionally, it is respectfully submitted that the claims are patentably distinct from each other.

In this regard, Applicants submit that the claims of U.S. Patent No. 6,419,549 are distinct from the claims of the present application. In particular, Applicants' claim 1 recites selecting one type of semifinished lens blank from among the plurality of types based on weightings of optical performance and outward appearance. It is respectfully

submitted that this feature is not recited in the claims of the above-noted patent. In contrast, claim 1 of the above-noted patent calculates the shape data of the back surfaces of right and left lenses on the basis of specifications and a selected shape of the front surfaces. This feature is not recited in Applicants claim 1.

With regard to the published patent application, claim 1 thereof recites determining an aspherical shape design for processing the unfinished surface of the selected semifinished lens blank to be optimized for the required specification. Applicants claim 1 does not recite this feature. Moreover, the published patent application is related to a design method whereas the claims in the present application are directed to a manufacturing method. The design method relates, inter alia, to optimizing the aspherical shape whereas Applicants claim 1 relates, inter alia, to processing a back surface.

Accordingly, as is apparent from the above exemplary instances of differences between the claimed subject matter of the present application and the claimed subject matters of the cited patent and published application, the claims of the present application are patentably distinct from the claimed subject matters of the patent and the published application.

Nevertheless, and merely in order to expedite the allowance of the present application and to eliminate any possible issue regarding double patenting, Applicants are submitting, concurrently herewith, a Terminal Disclaimer. Applicants, however, note that by filing this Terminal Disclaimer, neither Applicants nor the Assignee of the present

application intend to make any representation or admission regarding the propriety of any double patenting rejection should the Terminal Disclaimer not have been filed. As noted above, there are numerous and adequate reasons for the distinctness of the claims in the present application from the claims of the cited documents.

Accordingly, Applicants respectfully request reconsideration of the outstanding rejection and an indication of the allowability of all the claims in the present application, in due course.

Newly presented claim 13 recites the features of claim 1 in somewhat different, more idiomatic terms and is submitted to be allowable over the prior art. Basis for claim 13 is present at least at pages 13-14. Allowance of claim 13 is thus submitted to be proper and is respectfully requested.

SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so. Applicants have submitted a new claim for consideration and have amended several pending claims to eliminate minor language informalities.

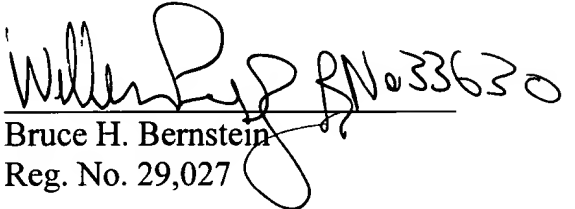
Applicants have traversed the Examiner's double patenting rejection and have pointed out numerous patentable distinctions between the claims of the present application and the claimed subject matter of the document cited thereagainst. Applicants have further submitted a Terminal Disclaimer to render the Examiner's rejections moot. Accordingly, Applicants have provided a clear evidentiary basis supporting the patentability of all the claims in the present application and respectfully request an indication to such effect in due course.

The amendments to the claims which have been made in this amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

P20920.A10

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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